

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

TIMOTHY KEENE, individually,
and as next friend to K.K., a minor
Plaintiffs

VS.

DANIEL SCHNEIDER and
JARED HATCH,
Defendants.

Circuit No. 07-0872-cv

District No. 2:07-CV-79

INDEX

- A. Certified copy of docket entries.
- 1 - 47 District Court Electronic Documents.
All filed documents are accessible through CM/ECF.
- B. Clerk's Certification.

APPEAL, ENE3, ENEN, STAYED

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:07-cv-00079-wks
Internal Use Only**

Keene v. Schneider et al
Assigned to: Judge William K. Sessions III
Case in other court: Washington County Superior Court,
150207 Wncv
Cause: 42:1981 Civil Rights

Date Filed: 03/29/2007
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Timothy Keene
*individually, and as next friend to K. K.,
a minor
by next friend
K.K.*

represented by **Kerry B. DeWolfe , Esq.**
Rubin, Kidney, Myer & DeWolfe
237 North Main Street
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TERMINATED: 03/19/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Maggie K. Vincent
Rubin, Kidney, Myer & DeWolfe
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Email: maggievincent@hotmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Daniel Schneider

represented by **David R. Cassetty**
Vermont Office of the Attorney General

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jared Hatch

represented by **David R. Cassetty**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy B. Tomasi
 (See above for address)
TERMINATED: 05/16/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ENE Evaluator

ENE Evaluator
TERMINATED: 04/24/2008

represented by **Richard T. Cassidy**
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Date Filed	#	Docket Text
03/29/2007	<u>1</u>	NOTICE OF REMOVAL by Daniel Schneider, Jared Hatch from Washington Superior Court, case number 150207 Wncv. (Filing fee \$350) (Attachments: # Exhibit A (removed)# <u>2</u> Civil Cover Sheet)(law) Exhibit A (redacted)# <u>3</u> added 6/6/2007. (jmm) (Entered: 03/29/2007)
03/30/2007	<u>2</u>	LETTER to Washington County Superior Court requesting original file & certified docket sheet. (law) (Entered: 03/30/2007)
03/30/2007	<u>3</u>	LETTER to non-admitted Atty Maggie Vincent re: L.R. 83.2. (law) (Entered: 03/30/2007)

04/04/2007	<u>4</u>	RECEIVED FILE and certified copy of docket sheet from State Court. (law) (Entered: 04/04/2007)
04/04/2007	<u>5</u>	COMPLAINT against Daniel Schneider, Jared Hatch filed by Timothy Keene. (originally filed 02/23/2007 in state court) (Attachments: # <u>1</u> Copy of Summonses)(law) Main image replaced with redacted image 6/6/2007. (jmm) (Entered: 04/04/2007)
04/04/2007	<u>6</u>	DEMAND for Trial by Jury by Timothy Keene. (originally filed 02/23/2007 in state court) (law) (Entered: 04/04/2007)
04/04/2007	<u>7</u>	RETURN OF SERVICE Executed. Jared Hatch served on 2/27/2007, answer due 3/19/2007. (originally filed 03/05/2007 in state court) (law) (Entered: 04/04/2007)
04/04/2007	<u>8</u>	RETURN OF SERVICE Executed. Daniel Schneider served on 3/5/2007, answer due 3/26/2007. (originally filed 03/05/2007 in state court) (law) (Entered: 04/04/2007)
04/04/2007	<u>9</u>	NOTICE by Daniel Schneider, Jared Hatch of Filing Notice of Removal. (originally filed 03/30/2007 in state court) (Attachments: # <u>1</u> Notice of Removal)(law) (Entered: 04/04/2007)
05/07/2007	<u>10</u>	MOTION to Dismiss, or In the Alternative, MOTION for A More Definite Statement by Daniel Schneider, Jared Hatch.(law) (Entered: 05/07/2007)
05/07/2007		Set/Reset Deadlines as to <u>10</u> MOTION to Dismiss MOTION for More Definite Statement (should be 30 day response time to the motion to dismiss as opposed to 10 days). (jam) (Entered: 05/24/2007)
05/16/2007	<u>11</u>	NOTICE of Attorney Substitution of David R. Cassetty for Timothy B. Tomasi as to Daniel Schneider and Jared Hatch. (law) (Entered: 05/16/2007)
06/06/2007	<u>12</u>	NOTICE of Attorney Substitution by Kerry B. DeWolfe for Maggie K. Vincent as to Plaintiffs. (law) (Entered: 06/06/2007)
06/06/2007	<u>13</u>	MOTION to Enlarge Time to File Response as to <u>10</u> MOTION to Dismiss, or In the Alternative, MOTION for A More Definite Statement by Timothy Keene.(law) (Entered: 06/06/2007)
06/08/2007	<u>14</u>	ORDER granting as unopposed <u>13</u> Plaintiff's Motion to Enlarge Time to File Response as to <u>10</u> Motion to Dismiss Complaint or, in the Alternative, For a More Definite Statement. Signed by Judge William K. Sessions III on 06/08/07. (This is a text only Order.) (eae) (Entered: 06/08/2007)
06/08/2007		Reset Deadlines as to <u>10</u> MOTION to Dismiss, or In the Alternative, MOTION for A More Definite Statement - extended 2 weeks. (law) (Entered: 06/08/2007)
06/20/2007	<u>15</u>	MOTION to Amend <i>Complaint</i> by Timothy Keene. (Attachments: # <u>1</u> Red-lined Version of Proposed Amended Complaint)(DeWolfe, Kerry) Text clarified 6/20/2007. (jmm) (Entered: 06/20/2007)
06/26/2007	<u>16</u>	OPPOSITION to <u>15</u> Motion to Amend <i>Complaint</i> filed by Daniel Schneider, Jared Hatch. (law) (Entered: 06/26/2007)

08/28/2007	<u>17</u>	MEMORANDUM AND ORDER granting in part and denying in part <u>10</u> Motion to Dismiss, or In the Alternative, MOTION for A More Definite Statement (denied as to Counts I and II, granted as to Count III); granting in part and denying in part <u>15</u> Motion to Amend Complaint (granted as to Counts I and II, denied as to Count III). Signed by Judge William K. Sessions III on 08/28/2007. (law) (Entered: 08/28/2007)
09/11/2007	<u>18</u>	ANSWER to Amended Complaint (not yet filed) by Daniel Schneider, Jared Hatch.(law) (Entered: 09/11/2007)
11/06/2007	<u>19</u>	STIPULATED DISCOVERY LETTER SENT re: no stipulated discovery schedule filed; case will be placed on the master calendar unless stipulated schedule is filed within 14 days; Discovery schedule due by 11/23/2007. (jam) (Entered: 11/06/2007)
11/07/2007	<u>20</u>	ENE LETTER re: Potential Evaluators sent; responses due by 11/26/2007. (law) (Entered: 11/07/2007)
11/19/2007		RECEIVED (proposed) Stipulated Discovery Schedule/Order by Timothy Keene, Daniel Schneider, Jared Hatch.(law) (Entered: 11/19/2007)
11/19/2007	<u>21</u>	LETTER to counsel re: proposed Stipulated Discovery Schedule/Order (non-compliant w/LR 26.1(b)(3)(A),(B),(G) and (I). New proposed Stipulated Discovery Schedule/Order due within 10 days. (law) (Entered: 11/19/2007)
11/19/2007		Set Deadlines: Joint Proposed Discovery Schedule due within 10 days, see <u>21</u> . (law) (Entered: 11/19/2007)
11/26/2007	<u>22</u>	PROPOSED STIPULATED DISCOVERY SCHEDULE/ORDER by Timothy Keene, Daniel Schneider, Jared Hatch.(Cassetty, David) (Entered: 11/26/2007)
11/26/2007	<u>23</u>	ENE Evaluator Richard T. Cassidy assigned. (see <u>22</u>)(law) (Entered: 11/26/2007)
11/27/2007	<u>24</u>	STIPULATED DISCOVERY SCHEDULE/ORDER: Motions due by 6/16/2008. Discovery due by 5/12/2008. Ready for Trial by 8/4/2008. Early Neutral Evaluation set for 1/15/2008 at 10:00 AM. Signed by Judge William K. Sessions, III on 11/27/07. (law) (Entered: 11/27/2007)
11/28/2007	<u>25</u>	DISCOVERY CERTIFICATE - Initial Disclosures by Timothy Keene.(law) (Entered: 11/28/2007)
01/18/2008	<u>26</u>	DISCOVERY CERTIFICATE - First Set of Interrogatories and First Request for Production of Documents by Timothy Keene.(law) (Entered: 01/18/2008)
01/18/2008	<u>27</u>	DISCOVERY CERTIFICATE - First Set of Interrogatories and Requests to Produce by Daniel Schneider, Jared Hatch.(law) (Entered: 01/18/2008)
02/28/2008	<u>28</u>	DISCOVERY CERTIFICATE - Answers to First Set of Interrogatories <i>and Requests to Produce</i> by Jared Hatch.(Cassetty, David) (Entered: 02/28/2008)
02/28/2008	<u>29</u>	DISCOVERY CERTIFICATE - Answers to First Set of Interrogatories <i>and Requests for Production</i> by Daniel Schneider.(Cassetty, David) (Entered: 02/28/2008)

		02/28/2008)
03/17/2008	<u>30</u>	LETTER to counsel re: ENE. Response due 03/28/2008. (law) (Entered: 03/17/2008)
03/19/2008	<u>31</u>	SUBSTITUTION OF COUNSEL by Maggie K. Vincent for Kerry B. DeWolfe as to Timothy Keene. (law) (Entered: 03/19/2008)
03/19/2008	<u>32</u>	DISCOVERY CERTIFICATE - Responses to First Set of Interrogatories and Requests to Produce by Timothy Keene.(law) (Entered: 03/19/2008)
03/28/2008	<u>33</u>	MOTION to Amend Stipulated Discovery Schedule/Order by Timothy Keene. (Attachments: # <u>1</u> Proposed Amended Stipulated Discovery Schedule/Order, # <u>2</u> Certificate of Service)(Vincent, Maggie) Modified on 4/7/2008 (jmm) (Entered: 03/28/2008)
04/07/2008	<u>34</u>	AMENDED STIPULATED DISCOVERY SCHEDULE/ORDER granting <u>33</u> MOTION to Amend Discovery Schedule. Motions due by 9/16/2008. Discovery due by 8/12/2008. Ready for Trial by 10/4/2008 Early Neutral Evaluation set for 4/23/2008 at 09:30 AM. Signed by Judge William K. Sessions III on 04/07/2008. (law) (Entered: 04/07/2008)
04/24/2008	<u>35</u>	REPORT of Early Neutral Evaluation by ENE Evaluator. (Cassidy, Richard) (Image corrected/replaced 4/29/2008)(jmm) (Entered: 04/24/2008)
04/29/2008	<u>37</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>35</u> ENE Evaluator's Report. The original image contained a date typo and has been removed. The corrected image is now attached to <u>35</u> and to this entry. (jmm) (Entered: 04/29/2008)
07/17/2008	<u>38</u>	DISCOVERY CERTIFICATE - Experts Report by Daniel Schneider, Jared Hatch.(Cassetty, David) Text clarified on 7/21/2008 (jse). (Entered: 07/17/2008)
08/13/2008	<u>39</u>	MOTION for Summary Judgment by Daniel Schneider, Jared Hatch. (Cassetty, David) (Entered: 08/13/2008)
08/13/2008	<u>40</u>	STATEMENT OF UNDISPUTED FACTS by Daniel Schneider, Jared Hatch re: <u>39</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Schneider Deposition Excerpts, # <u>2</u> Keene Deposition Excerpts, # <u>3</u> Hatch Deposition Excerpts, # <u>4</u> Eastman Report & Resume)(Cassetty, David) (Entered: 08/13/2008)
09/05/2008	<u>41</u>	UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>39</u> MOTION for Summary Judgment by Timothy Keene.(Vincent, Maggie) Modified on 9/8/2008 (jse). (Entered: 09/05/2008)
09/08/2008	<u>42</u>	ORDER granting <u>41</u> Unopposed Motion for Extension of Time to File Response/Reply as to <u>39</u> MOTION for Summary Judgment. Signed by Judge William K. Sessions III on 09/08/08. (This is a text only Order.) (eae) (Entered: 09/08/2008)
09/08/2008		Reset Deadlines to 9/25/2008 as to <u>39</u> MOTION for Summary Judgment. (law) (Entered: 09/08/2008)

09/26/2008	<u>43</u>	RESPONSE to <u>39</u> MOTION for Summary Judgment filed by Timothy Keene. (Attachments: # <u>1</u> Affidavit of Daniel Schneider, # <u>2</u> Deposition of Daniel Schneider, # <u>3</u> Deposition of Jared Hatch, # <u>4</u> Deposition of Timothy Keene)(Vincent, Maggie) (Entered: 09/26/2008)
09/29/2008	<u>44</u>	SUPPLEMENTAL DOCUMENT re: <u>43</u> Response to <u>39</u> MOTION for Summary Judgment by Timothy Keene. (<i>exhibit on CD, available at the Clerk's Office</i>) (law) (Entered: 09/29/2008)
10/10/2008	<u>45</u>	REPLY in Support re <u>39</u> MOTION for Summary Judgment filed by Daniel Schneider, Jared Hatch. (Cassetty, David) (Entered: 10/10/2008)
02/12/2009	<u>46</u>	MEMORANDUM AND ORDER denying <u>39</u> Motion for Summary Judgment. Signed by Judge William K. Sessions III on 2/12/2009. (law) (Entered: 02/12/2009)
03/04/2009	<u>47</u>	NOTICE OF CIVIL INTERLOCUTORY APPEAL as to <u>46</u> MEMORANDUM AND ORDER denying <u>39</u> Motion for Summary Judgment by Daniel Schneider, Jared Hatch. Filing fee \$ 455. Paid R#4682002404. (gmg) (Entered: 03/04/2009)
03/04/2009		Case Stayed per <u>47</u> Interlocutory Appeal (law) (Entered: 03/06/2009)

March 12, 2009 B. CLERK'S INDEX.

I hereby attest and certify on
March 12, 2009, that
the foregoing document is a full, true and correct
copy of the original on file in my office, and in my
legal custody.

JEFFREY S. EATON
Clerk, U.S. District Court
District of Vermont

By: Sae Sae

Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

TIMOTHY KEENE, individually,
and as next friend to K.K., a minor
Plaintiffs

vs.

DANIEL SCHNEIDER and
JARED HATCH,
Defendants.

) Circuit No. 07-0872-cv
)
) District No. 2:07-CV-79
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I, Jeffrey S. Eaton, Clerk of the United States District Court for the District of Vermont, hereby certify that the foregoing copy of the relevant docket entries comprises the index of the original documents numbered from 1 to 47, constitutes the Record on Appeal.

In Testimony whereof, I have hereunto subscribed my name and affixed the Seal of the aforesaid Court at Burlington, Vermont, this 12th day of March, 2009.

Jeffrey S. Eaton, Clerk

Maia Gracia

Deputy Clerk